

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FIELD D PTY LTD,

Plaintiff,

v.

JESSICA DUARTE,

Defendant.

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1:23-CV-98-DII

ORDER

On January 30, 2023, Plaintiff filed its complaint in this action with this Court. (Dkt. 1). To date, however, there is no indication that Plaintiff has served Defendant with the complaint and summons. “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). More than 90 days have passed since Plaintiff filed the complaint. Accordingly,

IT IS ORDERED that Plaintiff shall show cause in writing on or before **July 21, 2023**, as to why the claims against Defendant should not be dismissed for failure to timely effectuate service. Failure to do so may result in the dismissal of this action. *See* Fed. R. Civ. P. 41(b) (action may be dismissed for want of prosecution or failure to comply with court order); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (district court has authority to dismiss case for want of prosecution or failure to comply with court order).

SIGNED on July 7, 2023.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE